

# Notice of Allowability

Application No.

09/700,697

Examiner

Edan Orgad

Applicant(s)

TAILLENS, JEAN-FRANCOIS

Art Unit

2684

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8/24/05 & 9/2/05.
2. ☒ The allowed claim(s) is/are 11-19 (renumbered as claims 1-9, repsectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 9/2/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, filed 8/24/05, with respect to examiner's objection/rejection have been fully considered and are persuasive. The objection/rejection has been withdrawn in view of applicant's amendment and arguments.

### ***Allowable Subject Matter***

Claims 11-19 (renumbered as claims 1-9, respectively) are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 11 (renumbered as claim 1), the claim recites directly receiving any codes transmitted from the second mobile device, irrespective of a geographical location of the first mobile device, whenever the first and second mobile devices are turned on and are located within a predetermined operational distance from one another that defines a transmission space, the transmitting and receiving steps being configured to be initialed by either the users of the first second mobile devices at any time and signaling to users of both the first and second mobile devices when one or more selected codes transmitted by the first mobile device matches one or more code transmitted by the second mobile device.

The closest prior art relied by examiner was Shapira (US 5,086,394). Shapira discloses a personal device that is subject to activation by remote paging where each user has a memory device that contains personal data defining the user by personal characteristics such as traits and interests. Shapira further disclose a local control unit receives the respective personal data from the users memory devices and compares the personal data of each user with the personal data of

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other users. More specifically, Shapira's user personal device is within a given area of a local control unit. If the user's device is not located within the base station's given area, no communication takes place and no signaling of users having matching interest occurs.

Therefore, neither Shapira alone or in combination with other cited prior art, disclose or provide the motivation to specify the codes are directly received from other mobile devices, irrespective of the geographical location of the other mobile device, within or outside any given area. In other words, prior art of record fails to specifically disclose a system that directly receives any codes transmitted from the second mobile device, irrespective of a geographical location of the first mobile device, whenever the first and second mobile devices are turned on and are located within a predetermined operational distance from one another that defines a transmission space, the transmitting and receiving steps being configured to be initialed by either the users of the first second mobile devices at any time and signaling to users of both the first and second mobile devices when one or more selected codes transmitted by the first mobile device matches one or more code transmitted by the second mobile device.

Regarding claim 16 (renumbered as claim 6), the claim recites similar limitations noted in claim 11 (renumbered as claim 1) above and is allowed for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**EDAN ORGAD**  
**PATENT EXAMINER/TELECOMM.**

*EO 9/20/08*